

## **REMARKS**

Claims 1-14 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1, 5-6, 10 and 13-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Webb (U.S. Pat. No. 5,911,654). This rejection is respectfully traversed.

Webb appears to disclose a cover and cushion ensemble for a hospital bed to improve the aesthetic appearance of the bed (column 2, lines 45-51). The headboard and footboard covers comprise a multi-panel construction including an outer panel 14a, an intermediate panel 14b and an intermediate edge panel 14c (column 2, lines 44-51). The panels are stitched together to produce a cover designed to “maximize coverage of the headboard 24, hiding it from view...” (column 4, lines 59-61). Conversely, Applicant’s invention incorporates and mimics a swag thereby exposing part of the headboard and footboard (paragraphs [0022]-[0023]). Although Examiner asserts that Webb also teaches a swag, Applicant respectfully points out that Webb’s panel system fails to incorporate a “swag” which is defined as “decorative drapery that is fastened in two points so that the middle hangs in crescent shaped folds”, *Webster’s Third New International Dictionary*. By distinction, Webb specifically teaches maximization of coverage of all parts of the headboard visible to a viewer (column 4, lines 55-61).

Webb does not disclose each and every element of Applicant’s invention of claims 1 and 14 and therefore the Examiner’s § 102(b) rejection is improper. The §

102(b) rejection is also improper for dependent claims 5-6, 10 and 13 for the reasons stated above. Therefore, reconsideration and withdrawal of these rejections are respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 2 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Webb (U.S. Pat. No. 5,911,654). Claims 3,4, 7-8 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Webb in view of Bordo (U.S. Patent No. 5,802,637). These rejections are respectfully traversed.

As detailed above, Webb fails to teach or suggest each element of Applicant's invention. The addition of Bordo, teaching a constriction element does not remedy the shortcomings of Webb. Because Webb alone and the combination of Webb and Bordo fail to teach or suggest Applicant's invention, the Examiner's § 103(a) rejection is improper. Therefore, reconsideration and withdrawal of these rejections are respectfully requested.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner states that claim 9 would be allowable if rewritten in independent form. Accordingly, Applicant has demonstrated the patentability of independent claim 1 and any intervening claims. Therefore, Applicant believes that claim 9 is in condition for allowance.

### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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